

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KING E. LONG,

Defendant-Appellant.

UNPUBLISHED
February 18, 2003

No. 237772
Wayne Circuit Court
LC No. 00-011400-01

Before: O’Connell, P.J., and Fitzgerald and Murray, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for possession of less than 25 grams of cocaine, MCL 333.7403(2)(a)(v). We affirm.

Defendant argues that there was insufficient evidence to support his conviction. In determining whether sufficient evidence has been presented, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748, amended 441 Mich 1201 (1992). A reviewing court is required to draw all reasonable inferences and make credibility choices in support of the jury verdict. *People v Nowack*, 462 Mich 392, 399; 614 NW2d 78 (2000).

Where two police officers testified that they observed defendant throwing away a cigarette package that was found to contain a bag of crack cocaine, there was sufficient evidence to support the conviction.

Defendant also asserts that he was denied the effective assistance of counsel, who failed to call certain witnesses. To establish an ineffective assistance of counsel claim, defendant first must show that counsel’s performance was below an objective standard of reasonableness under prevailing professional norms. The defendant must overcome a strong presumption that counsel’s actions constituted sound trial strategy. Second, the defendant must show that there is a reasonable probability that, but for counsel’s error, the result of the proceeding would have been different. *People v Pickens*, 446 Mich 298; 521 NW2d 797 (1994).

Defendant has failed to show that the unidentified witnesses would have presented favorable testimony that would have affected the outcome of the case. Defendant has not overcome the presumption of effective assistance of counsel.

Affirmed.

/s/ Peter D. O'Connell

/s/ E. Thomas Fitzgerald

/s/ Christopher M. Murray